

**AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF HAMPTON, VIRGINIA,
HELD IN THE COUNCIL CHAMBERS, EIGHTH FLOOR, CITY HALL, 22 LINCOLN STREET,
ON WEDNESDAY, APRIL 13, 2005, AT 7:30 P.M.**

The meeting was called to order by the Mayor, and upon a roll call, the following answered as present: Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II, Turner M. Spencer, Rhet Tignor, and Ross A. Kearney, II, Mayor.

Interim City Manager Jesse T. Wallace and City Attorney A. Paul Burton were also present.

The invocation was given by Councilman Rhet Tignor, followed by the Pledge of Allegiance to the Flag.

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Consent Agenda

There being no one to be heard, on motion of Vice Mayor Joseph Spencer, seconded by Councilman Tignor, that items 1 through 6 on the Consent Agenda be approved as follows:

1. **05-0222**: Minutes of the January 26, 2005 Luncheon Meeting; February 2, 2005 Special Meeting; February 9, 2005 Regular Meeting; February 23, 2005 Regular Meeting; March 9, 2005 Special and Regular Meetings; and March 23, 2005, Luncheon, Special and Regular Meetings.
2. **05-0194**: Vacation Agreement between the City of Hampton and MCQ Builders, LLC-1 for excess right-of-way at Big Bethel Place.
3. **05-0196**: Resolution approving participation and appropriation by the City of Hampton, Virginia of the 2005-2006 Hampton Foster Grandparent Program through the Corporation for National and Community Service.
4. **05-0197**: Resolution requesting Virginia Department of Transportation to add new streets to the State "Principal/Minor Arterial and collector/local" street list.
5. **05-0204**: Resolution authorizing acquisition of property known as 27 Freeman Drive from Willard S. Blanchard, Jr.
6. **05-0221**: Resolution authorizing acquisition of property known as 28 Barrack Street from Mary E. Thompson, formerly known as Mary Elizabeth Avant.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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The following is the resolution for Consent Agenda Item 3, 05-0196

RESOLUTION APPROVING PARTICIPATION AND APPROPRIATION BY THE CITY OF HAMPTON, VIRGINIA OF THE 2005-2006 FOSTER GRANDPARENT PROGRAM THROUGH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

WHEREAS, the City of Hampton's Foster Grandparent Program has prepared an application for the Foster Grandparent Program to the Corporation for National and Community Service in the amount of \$435,980 and

WHEREAS, the FY05/06 Foster Grandparent Program is a continuation of the FY04/05 Foster Grandparent Program; and

WHEREAS, this program will provide limited income and other qualified senior citizens on the Peninsula with the opportunity to volunteer to work with and mentor children; and

WHEREAS, the Foster Grandparent Program's required local match is being provided by anticipated in-kind contributions and anticipated cash support from the Cities of Hampton and Newport News and the Counties of James City and York and that the specified use of the grant funds are in keeping with the goals and responsibilities of the City of Hampton and the Corporation for National and Community Service;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hampton, Virginia:

1. accepts and appropriates the grant application in the amount of \$435,980 which includes the City of Hampton's cash contribution of \$21,119 and in-kind match of \$1,512; and
2. accepts and appropriates any supplemental grant awards made from the Corporation for National and Community Service in accordance with the grant agreement; and
3. accepts and appropriates any donations made on behalf of this grant in accordance with the grant agreement; and
4. accepts and appropriates any local reserve funds designated by the program's Advisory Council.

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The following is the resolution for Consent Agenda Item 4, 05-0197

RESOLUTION REQUESTING VIRGINIA DEPARTMENT OF TRANSPORTATION TO ADD NEW STREETS TO THE STATE "PRINCIPAL/MINOR ARTERIAL AND COLLECTOR/LOCAL" STREET LIST.

WHEREAS, the Virginia General Assembly on February 22, 1985 passed House Bill 1269 requiring municipal streets to be divided into two (2) categories: "Principal/Minor Arterial Roads and Collector/Local Streets;" and

WHEREAS, the Virginia State Highway and Transportation Commission on July 1, 1985 revised its policy concerning street addition/deletions as a result of Virginia General Assembly House Bill 1269; and

WHEREAS, the City of Hampton contains roadways which have been built as a result of new construction; and

WHEREAS, the Hampton City Council wishes to add various roadways as "Principal/Minor Arterial Roads and Collector/Local Streets" in order to qualify for municipal assistance payments;

NOW, THEREFORE, BE IT RESOLVED, that the Hampton City Council requests that the attached list of roadways be added to the "Principal/Minor Arterial Roads and Collector/Local" street list.

BE IT FURTHER RESOLVED that the Hampton City Council urges the Virginia State Highway Commission and Transportation Commission to approve this request as submitted.

This resolution requested that the following roadways be added:

Allendale Drive from Pine Creek Drive, north to River Walk Court
Aluminum Avenue from Aberdeen Road, west to City Line Road
Butternut Drive from 0.04 mi. North East Gumwood Drive, north to Cul-de-sac
Edenbrook Drive from 0.21 mi. east of Estate Drive, south and east to Cul-de-sac
Elizabeth Road from Regal Way, north and west and south to Regal Way
Haywagon Trail from 0.03 mi. west of Riding Path, west to Dead End
Jody's Way from .04 mi. west of Leon Lane, south and east to Cul-de-sac
Keller Court from Butternut Drive, east and south to Cul-de-sac
Leon Lane from Jody's Way, to north
Majesty's Way from Congress Avenue, west to Regal Way
Nicole Court from Fox Hill Road, north to Cul-de-sac
Parliament Court from Majesty's Way, to Majesty's Way
Regal Way from Majesty's Way, west to Elizabeth Road
River Walk Court from 0.02 mi. east of Allendale Drive, north and west to Cul-de-sac
Vernon Stuart Drive from North Armistead Avenue, to west

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The following is the resolution for Consent Agenda Item 5, 05-0204:

RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY KNOWN AS 27 FREEMAN DRIVE FROM WILLARD S. BLANCHARD, JR.

WHEREAS, staff negotiated a contract for the City of Hampton to purchase 27 Freeman Drive, from Willard S. Blanchard, Jr.; and

WHEREAS, 27 Freeman Drive is a residential property consisting of a 7,500 square foot lot, more or less, that is improved with a 1,042 square foot one-story single family residence and attached one-car garage; and

WHEREAS, 27 Freeman Drive is being acquired as part of the Crossroads Redevelopment Project and possible reuse for relocation of Freeman Drive and public open space; and

WHEREAS, the contract price is deemed fair and reasonable, the terms of the contract are acceptable, and acquisition money will come from the Bond Fund for Strategic Properties, and it is in the public interest to acquire the property; and

WHEREAS, Seller is required by purchase contract to have his monthly tenant vacate the subject property prior to Settlement;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hampton, Virginia: that the aforesaid property purchase contract is hereby approved and that all necessary closing documents may be executed by the Interim City Manager or his designee.

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The following is the resolution for Consent Agenda Item 6, 05-0221:

RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY KNOWN AS 28 BARRACK STREET FROM MARY E. THOMPSON, FORMERLY KNOWN AS MARY ELIZABETH AVANT.

WHEREAS, staff obtained a contract for the City of Hampton to purchase 28 Barrack Street, from Mary E. Thompson formerly known as Mary Elizabeth Avant; and

WHEREAS, 28 Barrack Street is a residential property consisting of 21,000 square feet of land improved with a 780 square foot one-story dwelling and storage building; and

WHEREAS, the aforesaid property is being acquired as part of the Crossroads Redevelopment Project for assemblage and development of additional Coliseum Complex surface parking; and

WHEREAS, the contract price is deemed fair and reasonable, the terms of the contract are acceptable, and acquisition money will come from the CIP Fund – Crossroads Parking and it is in the public interest to acquire the property; and

WHEREAS, the aforesaid property is currently vacant and Seller desires to close this transaction by May 20, 2005;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hampton, Virginia: that the aforesaid property purchase contract is hereby approved and that all necessary closing documents may be executed by the City Manager or his designee.

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05-0192: Proclamation recognizing Alternatives, Inc

Vice Mayor Joseph Spencer stated that Alternatives, Inc., was nominated for the Harris Wofford Award, sponsored by Youth Service America and its underwriter State Farm Insurance Companies. Alternative, Inc. was one of three entities selected in the United States for this prestigious award recognizing service and civic involvement. Vice Mayor Spencer read the proclamation and presented the award to Kathy Johnson from Alternatives, Inc.

Ms. Johnson thanked Council for the proclamation and stated that through their involvement in Alternatives, young people receive the skills as well as the opportunity to give voice to their ideas and their passion, enabling them to contribute to their schools, neighborhoods and their community, especially through City government. Ms. Johnson stated Jones Magnet Middle School students are participating in a project with the VA hospital and have created a quilt in honor of the military service of residents at the hospital. Ms. Johnson recognized Alternatives, Inc., Board of Directors, staff, community partners, parents and young people that make civic engagement in Hampton a model for the Nation.

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05-0193: Proclamation for Youth Service Day

Councilman Turner Spencer read the proclamation proclaiming April 15, 2005 as Youth Service Day in the City of Hampton and presented it to Ms. Ann Harris, Hampton Youth Commissioner. Councilman Turner Spencer stated that the City of Hampton is very blessed to have youth volunteers and the Hampton Youth Commission encourages service through their grant programs as well as numerous resources that are available.

Ms. Harris, a member of the Hampton Youth Commission on the Teen Center Board, thanked Council for the proclamation, and she stated that over 40% of Hampton youth volunteer and she hopes that the proclamation will encourage the remaining 60% of our youth to volunteer in their community. Ms. Harris also thanked the City of Hampton and Council for the generous donation of the Sentara Wellness Center as a future home of the Hampton Teen Center. Ms. Harris announced the opportunity for community service on Saturday, April 16 when the City of Hampton will be hosting the International Children's Festival in Mill Point Park.

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05-0140: Proclamation for Red Hat Society Day

Councilwoman Leary read the proclamation proclaiming April 25, 2005 as Red Hat Society Day in the City of Hampton and presented it to Eileen Becket, who accepted it on behalf of the many other Red Hatters in attendance. Mrs. Becket thanked the Mayor for the proclamation and presented Councilwoman Leary with a red feather, making her an honorary member of the Red Hat Society.

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05-0199: Rezoning Application No. 1199 – First Reading

At a public hearing in consideration on the first reading of Rezoning Application No. 1999 by Michael H. Nuckols to amend proffers of Rezoning Case #1052 for 9± acres at 5 Libby Street and 108 Carnegie Street. The property is zoned Limited Commercial District (C-2) with conditions and allows hotel, office and retail uses. The 2010 Comprehensive Plan recommends public/semipublic uses for this area.

The Interim City Manager stated that the Planning Commission and Planning Department recommend approval of the rezoning application subject to conditions, and no one appeared before Council to oppose the application.

On motion of Councilman Tignor, seconded by Councilman Gilliland, that the above-described Rezoning Application No. 1999 by Michael H Nukols to amend proffers of Rezoning

Case #1052 for 9± acres at 5 Libby Street and 108 Carnegie Street be approved on first reading subject to the following seven (7) conditions:

1. Regardless of use, the requirements of proffered conditions #2-6 shall be applied to the site as an entirety and not to individual parcels that may be created from the site by subdivision, ground lease, condominium, or other legally recognized form of ownership or interest. The development of the site may be phased with each phase subject to the following conditions:
2. Existing billboards on the property shall be removed.
3. An opaque privacy fence six feet (6') in height shall be constructed along any property line that abuts residentially-developed property. Fencing shall be consistent with primary building materials in terms of style and materials. Chain-link fences of any type are not permissible.
4. A landscape plan shall be approved by the Planning Director prior to formal landscape plan submittal. Approval shall be contingent upon the following:
 - a. A minimum of twenty percent (20%) of the site shall be retained as an open green area inclusive of stipulated buffer area and any stormwater retention ponds on the site.
 - b. A minimum of fourteen percent (14%) of the parking area shall be green area which shall also qualify as part of the required twenty percent (20%) green area requirement.
 - c. Two (2) trees shall be required for every four hundred (400) square feet of the required green area.
 - d. Landscaping materials, scale, and concepts should be consistent throughout the site.
5. Retention ponds, if used for stormwater management, shall be designed to serve dual functions to moderate the effect of stormwater runoff on downstream facilities and the environment. The use of detention ponds for stormwater management is prohibited. Alternative mechanisms to manage stormwater may be pursued including the use of off-site features contingent upon approval by affected property owners. Retention ponds shall act as an on-site amenity via use of aerators or other features comparable to Hampton Roads Center or the Sentara Careplex facility.
6. A landscape buffer area a minimum of ten feet (10') in width, which shall not consist of just grassy areas but may consist of grassy areas with trees and/or shrubs or groupings of trees and/or shrubs consistent with the landscape requirements set forth in condition 4 above, shall be maintained along all boundaries other than the entrance area along Libby Street, areas encompassed by utility easements and other areas where, in the reasonable discretion of the Planning Director, the configuration of the property does not allow for same.
7. In addition to the above proffered conditions, the following proffers shall be applied depending on the designated use as indicated below:

**For Hotel/Motel and/or Restaurant
Uses:**

**For Retail, Commercial, or Office
Uses:**

Applicable to all uses:

1. The maximum gross floor area of each floor of any building shall not exceed 50,000 square feet. Single uses within any freestanding building on any parcel (other than those that are ancillary to a permitted hotel and/or motel use) shall have a minimum gross floor area of 3,000 square feet.

2. A conceptual site plan shall be approved by the Planning Director prior to formal site plan submittal. Approval shall be contingent upon the following:

a. Loading docks, trash collections, and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent residential properties and public streets. Screening materials shall be of a type and quality consistent with the principal materials of the building and landscape. No delivery, loading, trash removal or similar operations are permitted between the hours of 10:00 p.m. and 7: a.m. except for emergencies or with the prior permission of the

**For Hotel/Motel and/or Restaurant
Uses:**

**For Retail, Commercial, or Office
Uses:**

Applicable to All Uses:

Director of Codes Compliance (Zoning) and steps are taken to minimize noise impacts to adjacent properties.

b. A sign package shall be approved by the Planning Director prior to submittal of sign permit application. The Planning Director shall consider the following:

(i) Coordination of materials in a manner that complements approved building elevations in style, materials, and color.

(ii) Coordination of location of signs on building elevations.

c. Sidewalks shall be provided along any façade featuring a customer entrance or exit and along any façade abutting public parking areas. Such sidewalks shall be located at least six feet from the façade of the building to provide planting beds for foundation landscaping.

Sidewalks shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas.

d.

Concentration of uses should encourage pedestrian traffic by providing numerous entrances and window displays along the side-walk to generate pedestrian appeal.

e.

The site design shall incorporate features which contribute to the establishment or enhancement of the community and public spaces by providing one or more design features which serve as community amenities such as patio/seating areas, water features, a clock tower, and pedestrian plazas with benches. Alternate design features may be employed which advance the intent of this specific item with the prior written approval of the Planning Director.

- f. Architectural details shall be consistent throughout the site.

3. Building elevations shall be approved by the Planning Director prior to submittal of building permit application. Approval shall be contingent upon the following:

a. Development shall, at a minimum, satisfy a level of quality represented by the attached elevations representing the respective uses.

b. Buildings shall be compatible in terms of scale, height, design, materials, and color schemes.

c. Predominant exterior building material must be of high quality, such as brick, wood, sandstone, other native stone and integral color/textured concrete masonry units. Smooth-faced concrete block, tilt-up concrete panels, vinyl siding, or prefabricated steel panels are prohibited as the predominant exterior building material. Roofing materials shall consist of architectural/dimensional shingles or standing seam metal.

d. All sides of the buildings adjoining an access way, excluding loading and service areas, shall be designed as important facades of the building, with building materials and architectural design similar to what is used on the “front” or main façade of the building.

e. Windows, awnings, and arcades must total at least 60 percent of the façade length of those sides adjoining an access way.

f. Facades greater than 100 feet in length must incorporate recesses and projections along at least 20 percent of the length of the façade.

g. Repeating patterns of change in color, texture, and material modules are encouraged to increase architectural interest in the main structure. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

h. Roofs shall have at least two of the following features: parapets concealing flat roofs and rooftop equipment, overhanging eaves, sloped roofs, and three or more roof slope planes.

i. Signs on a building should be an architectural feature and shall be uniform.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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05-0200: Rezoning Application No. 1200 – First Reading

At a public hearing in consideration on the first reading of Rezoning Application No. 1200 by K. Scott Roberts to amend proffers of Rezoning Case #1188 for 0.46± acre at 1810 E. Pembroke Avenue, zoned Neighborhood Commercial District (C-1). The Buckroe Neighborhood Plan, an addendum to the 2010 Comprehensive Plan, recommends residential transition uses for this general area. C-1 zoning allows a mix of retail sales of convenience goods, personal services, multi-family, and offices.

The Interim City Manager stated that the Planning Commission and Planning Department recommend approval of the rezoning application subject to conditions, and no one appeared before Council to oppose the application.

On motion of Councilman Turner Spencer, seconded by Councilman Gilliland, that the above-described Rezoning Application No. 1200 by K. Scott Roberts to amend proffers of Rezoning Case #1188 for 0.46± acre at 1810 E. Pembroke Avenue, zoned Neighborhood Commercial District (C-1), be approved on first reading subject to the following five (5) conditions:

1. A proposed flower shop consisting of a combination of building materials such as brick veneer, wood siding, cement board, EIFS and/or similar/compatible materials with fiberglass shingles or metal roof.
2. A 6-foot tall wooden or PVC privacy fence will be provided adjacent to the abutting properties on Marion Road and Ford Road along the southerly boundary of the property. The area along the north side of the fence will be landscaped.
3. Required site lighting will be selected and installed to redirect lighting inward to the site and away from the residences to the south of the property.
4. The development of the property will be substantial in conformance with the conceptual plan prepared by T.J. Savage dated October 21, 2004, and submitted with this application.
5. Permitted uses shall include those uses permitted in the C-1 District (Neighborhood Commercial District) and all other uses described in Chapter 11 except:
 - MD-T residential uses
 - Public or private automobile parking lots
 - Baths, Turkish or massage parlors
 - Gasoline supply stations
 - Marine supplies; pleasure crafts
 - Promotional events
 - Taxicab offices
 - Commercial communication tower/antenna
 - Mobile/manufactured home parks and subdivisions
 - Motels
 - Hotels

Rooming houses
Adult day cares
Day cares 1, 2 and 3
Detention facilities
Group homes
Halfway houses
Juvenile residences
Orphanages
Shelters and/or tourist homes

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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05-0201: Rezoning Application No. 1201 – First Reading

At a public hearing in consideration on the first reading of Rezoning Application No. 1201 by Old Point National Bank to amend the proffers of Rezoning Case No. 1078 to permit a drive-up automated teller machine (ATM) on a 0.27± acre parcel at 357 Woodland Road that is zoned Neighborhood Commercial District (C-1). The 2010 Comprehensive Plan recommends commercial mixed use in this area. C-1 zoning allows for a mix of retail sales of convenience goods, personal services, multi-family housing, and offices.

The Interim City Manager stated that the Planning Commission and Planning Department recommend approval of the rezoning application, and no one appeared before Council to oppose the application.

Mayor Kearney and Vice Mayor Joseph Spencer asked the City Attorney if there is a conflict of interest in voting on this particular issue if you are share holder or have a line of credit with Old Point National Bank. The City Attorney responded that as long as you disclose the interest which is what you are doing, there is no conflict.

On motion of Councilman Gilliland, seconded by Councilwoman Leary, that the above-described Rezoning Application No. 1201 by Old Point National Bank to amend the proffers of Rezoning Case No. 1078 to permit a drive-up automated teller machine (ATM) on a 0.27± acre parcel at 357 Woodland Road that is zoned Neighborhood Commercial District (C-1), be approved on first reading subject to the following seven (7) conditions:

1. Development of the subject property shall substantially conform to the accompanying conceptual plan prepared by Coenen & Associates, dated March 16, 1998.
2. Use of the subject property shall be limited to banking and other financial services, as well as associated and/or accessory uses such as,

- but not limited to, parking and driveways.
3. All lighting on the subject shall be directed inward and away from adjoining residential properties and roadways.
 4. A landscaped buffer shall be maintained along the northerly property line having a width of at least 12 feet. New plant material within the landscaped buffer shall be installed within six (6) months after obtaining rezoning approval.
 5. Applicant will attempt to retain the large magnolia tree and live oak tree along the northern property line.
 6. Along the westerly property line, a chain link fence with privacy slates will be installed similar to the existing chain link fence along the rear of the applicant's property.
 7. Along the northerly property line a privacy fence constructed of wood, or an alternate material, shall be installed from the rear or west of the northerly property line and extending toward Woodland Road as far as permitted by applicable codes. A chain link fence shall not be permitted along the northerly property

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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05-0203: Use Permit No. 1000

At a public hearing in consideration of Use Permit No. 1000 by Jeffrey Allen to operate a vehicle storage area on 3.1± acres at 61 Tidewater Drive. The property is zoned Langley Flight Approach – Land Intensive Manufacturing District (M-4 A & B) and lies within the Special Overlay Districts Magruder Visual Corridor (SPI-MVC) and Aircraft Approach (SPI-AA). Vehicle storage is permitted in the above zones with an approved Use Permit.

The Interim City Manager stated that the Planning Commission and Planning Department recommend approval of the use permit application, and no one appeared before Council to oppose the application.

Mr. Edwin C. Tison, 445 Summer Drive, Newport News appeared before Council to oppose this use permit application explaining that he, Edwin Joseph, and Maury Howell own 25.7 acres on Tidewater Drive and are working with several possible users for this property, none of which would be compatible with an automobile storage yard.

Councilwoman Leary stated that she went to the property and saw that the ditches were overflowing and there appeared to be a residue floating on the top like oil and there are number of oil drums that were overturned at 58 Tidewater Drive, and she asked that someone look into any possible EPA violations. Councilman Turner Spencer asked for information about the

potential expansion of Commander Sheppard Boulevard and what the property was being marketed for.

Mr. Jeffrey Allen of 1102 72nd Street in Newport News appeared before Council and requested approval of the application, explaining that his father owned that land since 1975 and left the land to the family.

On motion of Councilman Gilliland, seconded by Councilwoman Leary, that Use Permit No. 1000 by Jeffrey Allen to operate a vehicle storage area on 3.1± acres at 61 Tidewater Drive be denied.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer,

Nays: Kearney, Tignor

The motion passed and the use permit was denied.

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05-0270: Amendment to the City Code pertaining to the Hampton Coliseum

At a public hearing in consideration on second and final reading of the following-titled ordinance:

An ordinance to amend and re-enact Chapter 26, Article IV of the Code of the City of Hampton, Virginia, pertaining to the Hampton Coliseum.

On motion of Councilman Turner Spencer, seconded by Councilman Tignor, that the that the above-titled ordinance to amend and re-enact Chapter 26, Article IV of the Code of Hampton, Virginia pertaining to the Hampton Coliseum be approved on second and final reading.

A roll call vote on the motion results as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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05-0208: Amendment to the City Code pertaining to the Hampton Roads Convention Center

At a public hearing in consideration on second and final reading of the following-titled ordinance:

An ordinance to amend and re-enact Chapter 26 of the Code of Hampton, Virginia by adding a new Article VII entitled, “Hampton Roads Convention Center.”

On motion of Councilman Turner Spencer, seconded by Councilman Tignor, that the above- titled ordinance to amend and re-enact Chapter 26 of the Code of Hampton, Virginia by adding a new Article VII entitled, “Hampton Roads Convention Center” be approved on second and final reading.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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05-0209: Amendment to the City Code pertaining to “Signing of City Checks Generally”

At a public hearing in consideration on second and final reading of the following-titled ordinance:

An ordinance to amend and re-enact Section 2-132 of the Code of Hampton, Virginia entitled, “Signing of City Checks Generally.”

On motion of Councilman Gilliland, seconded by Vice Mayor Joseph Spencer, that the above-titled ordinance to amend and re-enact Section 2-132 of the Code of Hampton, Virginia entitled, “Signing of City Checks Generally” be approved on second and final reading.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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05-0205: Amendment to the City Code pertaining to “Tattooing and Tattooing Establishments:

At a public hearing in consideration on second and final reading of the following-titled ordinance:

An ordinance to amend and re-enact Section 24-41 of the Code of the City of Hampton, currently entitled, “Tattooing and Tattooing Establishments.”

The City Attorney reviewed six changes that need to be made to the ordinance.

On motion of Councilman Gilliland, seconded by Councilman Turner Spencer, that the above-titled ordinance to amend and re-enact Section 24-41 of the Code of the City of Hampton, currently entitled, “Tattooing and Tattooing Establishments be amended as approved on first reading to include the following recommended changes:

Sec. 24-41(f) (4) Reinsert the words “no tattoo artist known to have chronic hepatitis B, chronic hepatitis C, or HIV infection shall be allowed to work as a tattoo artist”. Add the words “and shall display said certificate in “public view”, at the end of the last sentence.

Sec. 24-41(g) (5) Reinsert the words “hot and cold running water”

Sec. 24-41(g) (6) Reinsert the words “all work surfaces shall be cleaned and disinfected promptly after each customer’s body art application has been completed. Other surfaces or materials with gross blood shall also be cleaned and disinfected, or disposed of as infectious waste”.

Sec. 24-41(h) (1) i. Substitute “date of birth” for “age”

Sec. 24-41(i) (1). Substitute “Health Department” for “Department of Health”

Signature page Substitute 2005 for 2004

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

On motion of Councilman Gilliland, seconded by Councilman Turner Spencer, that the above-titled ordinance to amend and re-enact Section 24-41 of the Code of the City of Hampton, currently entitled, “Tattooing and Tattooing Establishments” be approved on second and final reading as amended.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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05-0206: Amendment to the City Code pertaining to “Swimming Pools”

At a public hearing in consideration on the second and final reading of the following-titled ordinance:

An ordinance to amend and re-enact Chapter 36 of the Code of the City of Hampton, entitled, “Swimming Pools.”

On motion of Vice Mayor Joseph Spencer, seconded by Councilman Turner Spencer, that the above-titled ordinance to amend and re-enact Chapter 36 of the Code of the City of Hampton, entitled, “Swimming Pools” be approved on second and final reading.

A roll call vote on the motion resulted as follows:

Ayes: Gilliland, Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Nays: 0

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05-0211: Appointments – Virginia Municipal League Policy Committee

On motion of Councilman Tignor, seconded by Vice Mayor Joseph Spencer, that the following appointments to the Virginia Municipal League be approved: Environmental Quality – Councilman Sapp; Finance – Councilman Tignor and Councilman Gilliland General Laws – Vice Mayor Joseph Spencer; Human Development and Education – Councilwoman Leary, and Transportation – Mayor Kearney.

A roll call vote on the motion resulted as follows:

Ayes: Leary, Sapp, JSpencer, TSpencer, Tignor, Kearney

Absent for vote: Gilliland

Nays: 0

Councilman Tignor added that Councilman Turner Spencer is serving on the Executive Committee, since he is the immediate Past President of that organization.

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Buckroe Master Plan

The following people addressed Council in support of the Buckroe Master Plan: Anita Walters, 1915 N. Mallory Street; Joanne Ingram, 136 South Fifth Street; Jessica Burke, 308 Riversedge Drive; Amy Hobbs, 1913 N. Mallory Street; and Frank Blake, 1662 Old Buckroe Road.

The following people addressed Council in opposition of the Buckroe Master Plan: Sandra Canepa, 3 Markham Drive; Phyllis Flanders, 13 Ranalet Drive; and Trish Ferarro, 602 Tappan Avenue. Ms. Canepa reviewed comments made by Council members at the previous Council meeting and stated that she felt the outcome was encouraging, but the effort to save the green space at Buckroe cannot stop until the citizens know that land is officially designated as a city park. Ms. Flanders read a petition that has been signed by 2,343 citizens and the following retailers have petition books: Anna's Pizza in Buckroe Shopping Center, Armistead Animal Hospital, Phil & Maries Diner, the Brass Lantern Bar and Grill, Coastal Creations, Color Me Tan, Delargy's Bistro, Hair Essence, Healthy Connections, Shabby Chic, Smokin' Joes Barbecue, The Box Outlet, VanCosta's Restaurant and Vanasse Seafood.

Mayor Kearney stated that he was under the assumption that the City purchased the land with federal funds and under the Open Air Act; however, he discovered today that the land was purchased with bond money and the city's Economic Development Fund, and he apologized to the citizens for that mistake.

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Special Needs Children

The following people addressed Council regarding special needs children: Marge Allen, 59 Woods Lane; Virginia Reed, 47 Apollo Drive; and Tammy Manderbach, 21 Sacramento Drive. Ms. Allen stated that she is the grandmother and legal guardian of an 18 year-old with Autism, a neurological disorder that makes it very difficult for her to communicate and she explained to Council the difficulties they deal with on a daily basis concerning lack of day care services available to special needs children and their families. Ms. Allen stated that she is not asking for a hand-out but the same choice and opportunities other parents have through after school programs.

Ms. Reed stated that she felt Parks and Recreation was discriminating by not providing a program for special needs children, and Ms. Manderbach stated that the only service available to her through Parks and Recreation is two weeks in the summer

Mayor Kearney thanked Ms. Allen, Ms. Reed, and Ms. Manderbach and stated that Council will meet with the Interim City Manager to see what might be done, noting that the Hampton City Schools do a marvelous job in caring for those children, but in view of requirements to care for the children, it is a tremendous expense for the school system and the Commonwealth of Virginia, particularly since the Federal government withdrew its funding.

Phil Everhart, 31 Charleton Drive, and a member of the Mayors Committee for People with Disabilities, stated that the committee was approached in January about the problem and the committee has asked for a meeting with Parks and Recreation. Mr. Everhart stated that we have a serious problem that needs to be addressed.

Councilwoman Leary stated she has a list of guidelines concerning special needs children and will forward them to the Interim City Manger.

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Finance Committee

Mr. W. A. Smith, 33 Azaela Drive, spoke in opposition to the appointments Council made to the Finance Committee.

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Ottofaro Property

Mr. Frank Ottafaro, 63 Wheatland Drive, addressed Council concerning his property in Pine Chapel, stating that he does not feel he got at a fair trial in the City or State courts.

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Weapons in Festival Areas

Mr. Mike Wade, 15 Westminster Drive, spoke in opposition of the Council's position regarding the carrying and possession of firearms in a festival area, stated that State Code allows this and Council has no authority to prevent it. .

Mr. Tom Burns, 123 Cooly Road, Williamsburg, and Mr. John Sandhofer, 142 Winchester Drive, supported Council and their position to not allow the carrying and possession of firearms in a festival area.

Councilman Tignor stated that he did not think it was wrong to vote against the amendment that would have allowed the carrying and possession of firearms in a festival area; and Councilwoman Leary agreed, stating that she is going to forward to the Interim City Manager, a proposed amendment to provide that a concealed weapon may not be carried where alcoholic beverages are sold in a designated area such as events like Bays Days, which would provide the same protection the statute currently grants by prohibiting the carrying of a concealed weapon on to the premises of a restaurant or club where alcoholic beverages are sold, and a request that Section 18.2-287 of the Virginia Code regarding the carrying of loaded firearms in public areas be amended to include Hampton.

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:26 p.m.

Ross A. Kearney, II
Mayor

Katherine K. Glass
Clerk of Council

Dated approved by Council: April 27, 2005